WINSTAR
TELECOMMUNICATIONS GROUP

ORIGINAL

April 1, 1997

EX PARTE OR LATE FILED

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Hand Delivered

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APR 1 1997
Federal Communications Commission
Office of Secretary

Re: FCC CS Docket No. 95-184
Telecommunications Services Inside Wiring

Dear Mr. Caton:

Pursuant to Section 1.1206(a)(1) of the Commission's rules, as adopted in the Report and Order in Gen. Docket No. 86-225, 2 FCC Rcd. 3011 (1987), enclosed are two copies of the position paper distributed by WinStar Communications, Inc. ("WinStar") in an ex parte meeting concerning the above-captioned matter held March 31, 1997, with the following members of the Cable Services Bureau: Meredith Jones, Bureau Chief; Rick Chessen, Assistant Bureau Chief; Barbara Esbin, Associate Bureau Chief; JoAnn Lucanik, Chief of the Policy and Rules Division; and Lawrence Walke, Senior Attorney. Robert Berger, Russell Merbeth, Steven Merrill and Joseph Sandri, Jr. attended on behalf of WinStar and its subsidiaries.

Kindly place this material in the public file. Should you have any comments or questions, please do not hesitate to contact the undersigned.

Cordially yours,

Joseph M. Sandri, Jr.
AVP and Regulatory Counsel

Enclosure

cc: Meredith Jones
Rick Chessen
Barbara Esbin
JoAnn Lucanik
Lawrence Walke
Kathleen Levitz
Timothy Peterson

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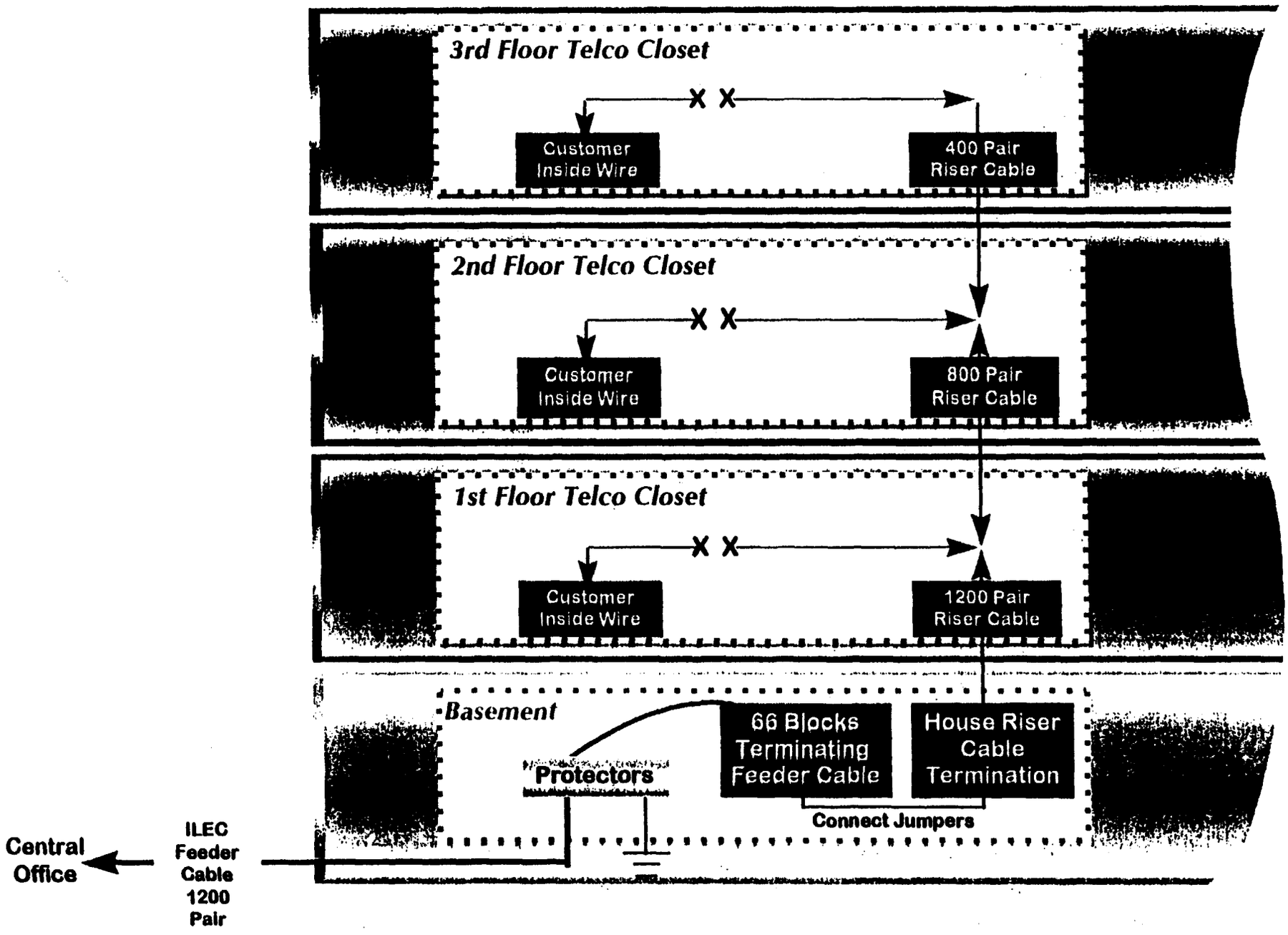
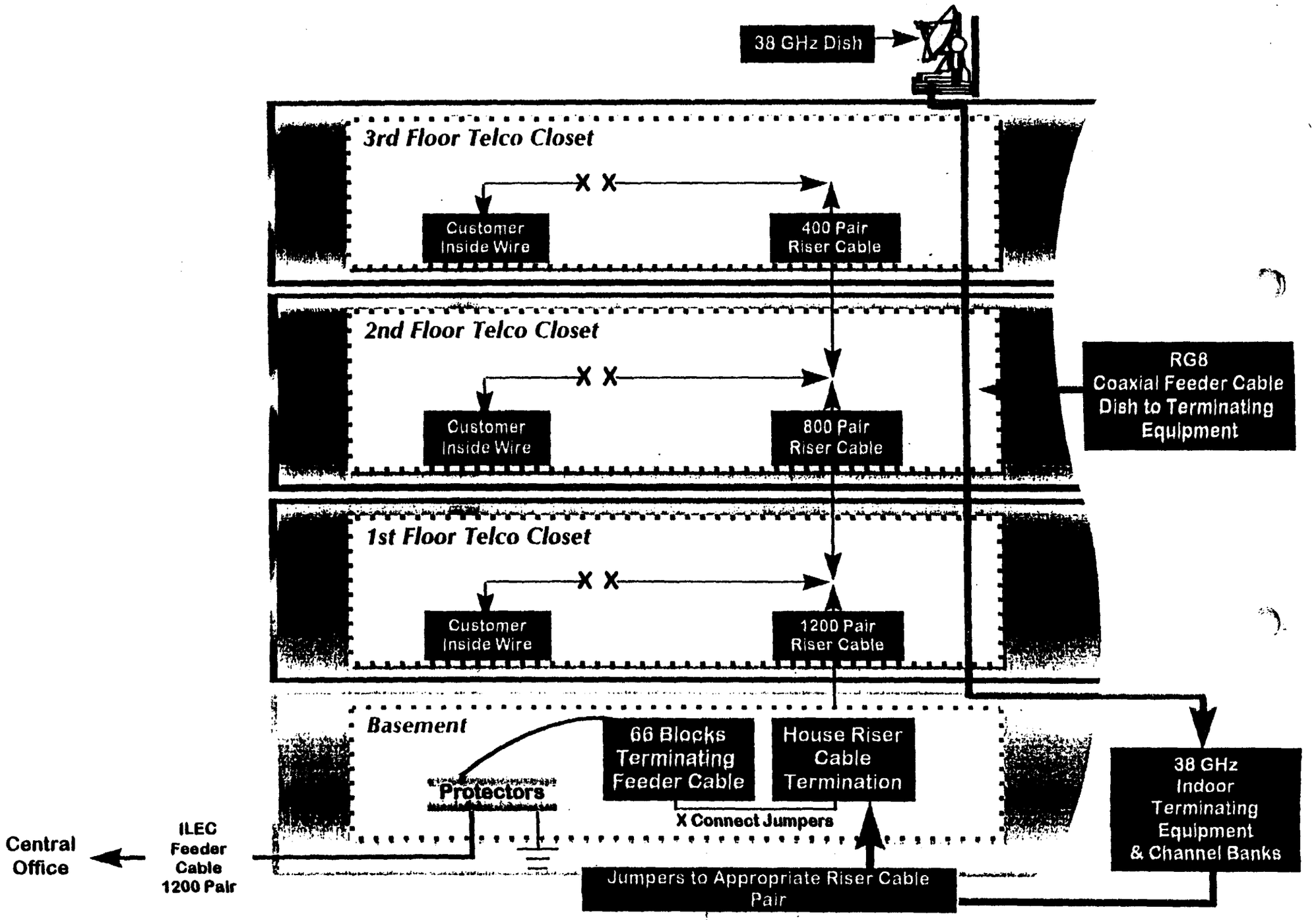
WINSTAR COMMUNICATIONS, INC.
INSIDE WIRING (CS DOCKET NO. 95-184)
March 31, 1997

1. ***WinStar is a wireless local telephone company which provides a "fiber optic quality" service using broadband 38 GHz licenses.***
2. ***Parity of access*** rights to inside wiring are fundamental underpinnings to competitive entry. Competitive entrants should, at the least, have nondiscriminatory and reasonable access to inside wiring facilities and points of entry. (NPRM at para. 61). This includes reasonable rooftop-to-riser-to-telephone closet-to-subscriber access.
3. ***Do not hinder consumer access to their inside wire.*** WinStar supports the FCC's tentative conclusion that consumers have the right to access their inside wiring inside the demarcation point. (NPRM at para. 42).
4. ***Give the end-user subscriber the right to be served by competitors***. Any telecommunications provider who has business with the end-use subscriber-- whether it is the incumbent or a competitive entrant--must have unhindered access to the demarcation point and the inside wire serving the subscriber. In the event that the existing inside wire is not technically suitable, the competitive provider should have the reasonable opportunity to install the necessary inside wire--without being subjected to unreasonable or discriminatory physical or economic obstacles.
5. ***Fifth Amendment taking issues*** are not barriers to equal access to private property where all building owners are required to provide nondiscriminatory building access to all carriers, and are justly compensated for such access. Compensation should be proportional to a carrier's customer base or its facilities. Where the incumbent is not assessed a charge for access, no competitor should be assessed a charge either.
6. ***The FCC has a "technology neutral" policy.***
7. ***Barriers to competitive entry by a telecommunications provider may be federally preempted according to the Telecommunications Act of 1996.***
8. ***Congress anticipated rooftop access.*** Under sections 207 and 704 of the Telecommunications Act of 1996 it is clear that Congress anticipated that wireless networks would require rooftop access. It is logical that Congress believed that those antennas would be able to connect to the inside wiring of the buildings they are placed upon.

SIMPLIFIED TELECOMMUNICATIONS RISER WIRING DIAGRAM



WINSTAR HIGH-RISE 38 GHZ APPLICATION



ABOUT WINSTAR

WinStar Communications, Inc. ("WCI" or "WinStar"), is a publicly-traded company whose stock is traded over the NASDAQ market system. WCI, through its subsidiaries, specializes in the development and provision of telecommunications services throughout the United States.

WCI subsidiaries hold Federal Communications Commission ("FCC") multi-channel licenses to provide microwave radio services using the 38.6-40.0 GHz radio band in 47 of the 50 most populated Metropolitan Statistical Areas in the United States. Additionally, the 38 GHz licenses cover more than 100 cities with populations exceeding 100,000 each, and encompass an aggregate population of approximately 172 million.

In addition, WCI subsidiaries have obtained the requisite authority to provide *intrastate* high-capacity non-switched (often referred to as "competitive access provider" or "CAP") microwave services in 31 states, including California, Colorado, Connecticut, Washington, D.C., Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. Applications for intrastate CAP authority are pending in Arizona, Arkansas, Indiana, Kentucky, New Mexico, and Oklahoma.

WCI subsidiaries also have been authorized to provide competitive switched local and interexchange services, on both a facilities and a resale basis, in 19 states: California, Colorado, Connecticut, Washington, D.C., Florida, Georgia, Illinois, Massachusetts, Maryland, Michigan, Minnesota, New York, Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. In addition, applications for competitive switched local and interexchange authority are pending in a number of other states, including Arizona, Arkansas, Indiana, Louisiana, New Jersey, New Mexico, and Ohio.

WinStar currently offers a wide range of intra- and interstate services throughout the United States. Through its subsidiaries, WinStar provides a variety of voice, data, and other enhanced services and systems specifically designed to meet the requirements of communications-intensive end-users. WinStar combines its ability to meet specialized communications needs with high quality service. WinStar's telecommunications services are provided primarily over its high-speed microwave networks.

WCI and its affiliated operating companies are currently authorized to provide state-of-the-art telecommunications services which are capable of reaching over 100 million people and over 60 percent of corporate America in the nation's top 43 markets. WinStar's competitive access provider operating affiliates combine the ability to meet specialized communications needs with high quality service. These operating affiliates utilize the 38.6-40.0 GHz radio band to carry high-speed, digital traffic, including voice, data, and video transmission. The high

frequency microwave technology employed in WinStar's network offers equivalent capabilities of a fiber optic network, but with several distinct advantages. Unlike metropolitan fiber optic networks being employed by a number of carriers nationwide, WinStar's microwave network enable the Company to provide service without resort to underground cable and conduits. The FCC has licensed the Company to use four frequency pairs in the 38.6-40.0 GHz band in the initial 29 markets in which WinStar will provide service, and one frequency pair in the additional markets in which WinStar has received FCC licenses. These frequency pairs have enabled the Company to design a high-speed microwave network that will employ a conservative design to avoid service disruption and, therefore, ensure cost-effective, reliable service.

WinStar constructs its Wireless Fiber℠ loops on a path-by-path basis to deliver local exchange services. Each path in a wireless network can provide up to at least four DS-1s of capacity (96 digital voice lines). Through recently implemented technology enhancements, this capacity can be expanded up to DS-3 capacity (672 digital voice lines) on each path. WinStar's wireless network delivers high quality voice and data transmissions which meet telephone industry standards and are fundamentally equivalent to the transmission quality perceived to be produced by fiber optic transmission facilities.

WinStar's wireless network has many characteristics which contribute to its reliability and cost efficiency. Significant features of the network include: (i) 38 GHz millimeter-wave transmissions having narrow beam width; (ii) instantaneous power boost of transmissions allowing for superior rain-fade reliability and survivability of the transmission signals under inclement conditions; (iii) 50 MHz bandwidth in each channel in each direction allowing for subdivision of voice and data traffic; (iv) range of up to five miles between transmission links; (v) exceptional network reliability; (vi) twenty-four hour per day monitoring by WinStar's network operations control center; and (vii) the ability to provide safeguards from link outages by installation of hot standbys that remain powered up and switch "on-line" in the unlikely event that a primary link fails.

In addition, unlike fiber optic networks (which depend upon public and private rights-of-way and which normally are only available to either very large users or users in buildings or areas in which there is overall large demand), WinStar's high-speed microwave network can make service to the small business and residential user economically feasible. Further, the installation of terminal equipment is simple, inexpensive, and can be accomplished within weeks.

WinStar's switching and network systems will feature advanced common channel signaling (sometimes referred to as "CCS" or "SS7") and database capabilities. It also will have a matched pair of Service Transfer Point/Service Control Point (STP/SCP) facilities to enable CCS signaling between WinStar and other carriers for advanced call set-up and CLASS features interoperability. In particular, WinStar expects to install a Lucent-manufactured 5ESS switch, as it has done, or is in the process of doing, in other markets and has contracted with Illuminet as its SS7 provider.